IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO : 24478 of 2007

DATE:03.12.2007

Between:

Buradagunta Vajramma

..... PETITIONER

AND

1. The State of A.P. represented by its Home Department Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad and others.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

The petitioner, who is the mother of the alleged detenu, Buradagunta Rajesh aged about 14 years, filed this writ petition alleging that respondents 4 and 5, who are accused in P.R.C.No.17 of 2007 on the file of the II Additional Munsif Magistrate, Tenali for the murder of the mother of the petitioner, illegally detained her minor son. Respondents 4 and 5, who were arrayed as accused Nos.1 and 2 in the above P.R.C., bore grudge against the petitioner as she lodged a complaint against them for the death of her mother. After they were released on bail, they threatened the petitioner and his family members to compromise the matter and in continuation of their illegal attempts, they got managed to kidnap her minor son. She also alleges that in spite of lodging the complaint, the police have not taken any action against respondents 4 and 5.

The Sub-Inspector of Police, Amarthaluru Police Station, Guntur District, the third respondent herein, filed counter affidavit stating that on petitioner lodging a complaint on 31.10.2007 alleging kidnap of her minor son by respondents 4 and 5, a case in Crime No.85 of 2007 for the offence under Section 365 r/w Section 34 IPC was registered and investigated into. During the course of investigation, they have examined one Madira Mani Kumar @ Sandeep, aged 13 years and Jyothula Saikrishna, aged 13 years, who are the close friends of the alleged detenu. The investigation reveals that the alleged detenu has not been kidnapped by respondents 4 and 5, but he was very much available in the village. Respondent No.4, who is a lorry driver and

staying at Vijayawada, appeared before the X Fast Track Court, Tenali on 26.10.2007 in connection with S.C.No.184 of 2007. The allegation that respondent No.5 is an accused in Crime No.60 of 2006 is not correct and the same is false allegation. On the complaint given by none other than the uncle of the petitioner, as counter case, Crime No.61 of 2006 was registered against the petitioner, her husband, her son and another, for the offences under Sections 307, 324 r/w Section 34 IPC. The petitioner and her family members are facing trial in connection with said crime.

The learned counsel for the petitioner reported that the alleged detenu escaped from the clutches of respondents 4 and 5 and appeared along with the petitioner and her husband in the Court. Having regard to the fact that the alleged detenu is no more in illegal detention as alleged in the writ petition, on petitioner approaching the police, they shall take appropriate action in Crime No.85 of 2007 dated 31.10.2007 including binding over of respondents 4 and 5, who detained the alleged detenu.

Accordingly, the Writ Petition is dismissed.

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(A. GOPAL REDDY, J.)

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(NOOTY RAMAMOHANA RAO, J.)

3rd December, 2007
Js.